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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

10/776,731

Filing Date

February 10, 2004

First Named Inventor

Baynham, et al.

Art Unit

3732

Examiner Name

Attorney Docket Number

2380.005

### ENCLOSURES (Check all that apply)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify<br>below): |
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Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

McHale & Slavin, P.A.

Signature

Printed name

Michael A. Slavin

Date

11/18/05

Reg. No.

34,016

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Melissa A. Johnston

Typed or printed name

Melissa A. Johnston

Date

11/18/05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR: : Bret O. Baynham, et al.

INVENTION: : STATIC ANTERIOR CERVICAL PLATE

SERIAL NUMBER : 10/776,731

FILING DATE : February 10, 2004

EXAMINER: : (not assigned yet)

GROUP ART UNIT : 3732

ATTORNEY DOCKET NO. : 2380.005

CERTIFICATE UNDER 37 CFR §1.8(a)

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Melissa Johnston, Legal Assistant

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
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Sir:

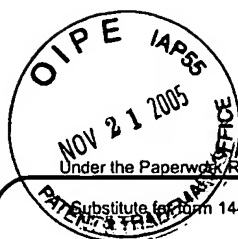
Pursuant to the Duty to Disclose under 37 CFR §1.56, the references cited on the accompanying form PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. Pursuant to the Official Gazette Notice dated August 5, 2003, Applicants are not required to submit copies of these references. The references were cited in the specification and their relevancy is set forth therein.

Applicants submit that the present invention is patentable over these references.

Date: 11/18/05

Respectfully Submitted,

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PTO/SB/08A (08-03)

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First Named Inventor	Baynham, et al.
Art Unit	3732
Examiner Name	
Attorney Docket Number	2380.005

Sheet 1 of 7

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- RE 28,841	06-08-1976	Allgower, et al.	
		US- RE 31,628	07-10-1984	Allgower, et al.	
		US- 74,489	02-18-1868	Bidwel	
		US- 434,503	08-19-1890	Corry	
		US- 556,642	03-17-1896	Ressing	
		US- 824,867	07-03-1906	Houghton	
		US- 872,897	12-03-1907	Chapman, et al.	
		US- 951,800	03-15-1910	Center	
		US- 1,084,680	01-20-1914	Wegener	
		US- 1,105,105	07-28-1914	Sherman	
		US- 1,907,506	05-09-1933	Coburn	
		US- 1,980,336	11-13-1934	Hoagland	
		US- 2,423,511	07-08-1947	Luben, et al.	
		US- 2,757,457	08-07-1956	Ziegelski, Sr.	
		US- 3,100,516	08-13-1963	Nabb	
		US- 3,244,170	04-05-1966	McElvenny	
		US- 3,386,437	06-04-1968	Treace	
		US- 3,604,414	09-14-1971	Borges	
		US- 3,709,219	01-19-1973	Halloran	

**FOREIGN PATENT DOCUMENTS**

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		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

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First Named Inventor	Baynham, et al.
Art Unit	3732
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Attorney Docket Number	2380.005

Sheet 2 of 7**U. S. PATENT DOCUMENTS**

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 3,741,205	06-26-1973	Markoff, et al.	
		US- 3,750,652	08-07-1973	Sherwin	
		US- 3,840,014	10-08-1974	Ling, et al.	
		US- 3,960,147	06-01-1976	Murray	
		US- 4,003,376	01-18-1977	McKay, et al.	
		US- 4,037,980	07-26-1977	Haentjens	
		US- 4,069,586	01-24-1978	Skelton	
		US- 4,102,339	07-25-1978	Weber, et al.	
		US- 4,113,227	09-12-1978	Cigliano	
		US- 4,338,926	07-13-1982	Kummer, et al.	
		US- 4,388,921	06-21-1983	Sutter, et al.	
		US- 4,484,570	11-27-1984	Sutter, et al.	
		US- 4,488,543	12-18-1984	Tornier	
		US- 4,493,317	01-15-1985	Klaue	
		US- 4,503,848	03-12-1985	Caspar, et al.	
		US- 4,542,539	09-24-1985	Rowe, Jr., et al.	
		US- 4,651,724	03-24-1987	Berentey, et al.	
		US- 4,733,657	03-29-1988	Kluger	
		US- 4,762,122	08-09-1988	Slocum	

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Attorney Docket Number	2380.005

Sheet 3 of 7

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 4,794,918	01-03-1989	Wolter	
		US- 4,896,661	01-30-1990	Bogert, et al.	
		US- 4,898,161	02-06-1990	Grundeir	
		US- 4,943,292	07-24-1990	Foux	
		US- 4,957,495	09-18-1990	Kluger	
		US- 4,959,065	09-25-1990	Arnett, et al.	
		US- 5,000,166	03-19-1991	Karpf	
		US- 5,002,544	03-26-1991	Klaue, et al.	
		US- 5,019,079	05-28-1991	Ross	
		US- 5,041,113	08-20-1991	Biedermann, et al.	
		US- 5,052,373	10-01-1991	Michelson	
		US- 5,053,036	10-01-1991	Perren, et al.	
		US- 5,057,111	10-15-1991	Park	
		US- 5,059,194	10-22-1991	Michelson	
		US- 5,085,660	02-04-1992	Lin	
		US- 5,108,395	04-28-1992	Laurain	
		US- 5,127,912	07-07-1992	Ray, et al.	
		US- 5,127,914	07-07-1992	Calderale, et al.	
		US- 5,129,899	07-14-1992	Small, et al.	

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Sheet 4 of 7

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,147,361	09-15-1992	Ojima, et al.	
		US- 5,151,103	09-29-1992	Tepic, et al.	
		US- 5,167,662	12-01-1992	Hayes, et al.	
		US- 5,180,381	01-19-1993	Aust, et al.	
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		US- 5,217,497	06-08-1993	Mehdian	
		US- 5,234,430	08-10-1993	Huebner	
		US- 5,300,073	04-05-1994	Ray, et al.	
		US- 5,338,197	08-16-1994	Kwan	
		US- 5,364,399	11-15-1994	Lowery, et al.	
		US- 5,380,328	01-10-1995	Morgan	
		US- 5,397,363	03-14-1995	Gelbard	
		US- 5,423,826	06-13-1995	Coates, et al.	
		US- 5,456,685	10-10-1995	Huebner	
		US- 5,478,340	12-26-1995	Kluger	
		US- 5,478,348	12-26-1995	Bajada	
		US- 5,492,442	02-20-1996	Lasner	
		US- 5,520,690	05-28-1996	Errico, et al.	

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		US- 5,527,314	06-18-1996	Brumfield, et al.	
		US- 5,531,554	07-02-1996	Jeanson, et al.	
		US- 5,531,746	07-02-1996	Errico, et al.	
		US- 5,545,163	08-13-1996	Miller, et al.	
		US- 5,545,165	08-13-1996	Biedermann, et al.	
		US- 5,549,612	08-27-1996	Yapp, et al.	
		US- 5,558,674	09-24-1996	Heggeness, et al.	
		US- 5,562,663	10-08-1996	Wisnewski, et al.	
		US- 5,562,672	10-08-1996	Huebner, et al.	
		US- 5,578,034	11-26-1996	Estes	
		US- 5,601,553	02-11-1997	Trebing, et al.	
		US- 5,603,713	02-18-1997	Aust, et al.	
		US- 5,607,426	03-04-1997	Ralph, et al.	
		US- 5,616,142	04-01-1997	Yuan, et al.	
		US- 5,616,144	04-01-1997	Yapp, et al.	
		US- 5,643,265	07-01-1997	Errico, et al.	
		US- 5,662,652	09-02-1997	Schafer, et al.	
		US- 5,672,175	09-30-1997	Martin	
		US- 5,676,666	10-14-1997	Oxland, et al.	

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STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	10/776,731
Filing Date	February 10, 2004
First Named Inventor	Baynham, et al.
Art Unit	3732
Examiner Name	
Attorney Docket Number	2380.005

Sheet 6 of 7

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,676,703	10-14-1997	Gelbard	
		US- 5,735,853	04-07-1998	Olerud	
		US- 5,735,899	04-07-1998	Schwartz, et al.	
		US- 5,755,796	05-26-1998	Ibo, et al.	
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		US- 6,436,142	08-20-2002	Paes, et al.	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

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Sheet	7	of	7
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